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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,094	07/10/1998	KIA SILVERBROOK	IR14US	7673

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/113,094

Applicant(s)

SILVERBROOK, KIA

Examiner

Lin Ye

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Specification

1. The substitute specification filed on 4/3/03 has not been entered because:

The new substitute specification filed on 4/3/03 is based on the previous substitute specification filed on 7/25/02. The applicant should be noted that the previous substitute specification filed on 7/25/02 has not been entered since from last the examiner final office rejection on 10/04/02. It is important to the applicant to propose any new substitute specification should be directly based on the original specification filed on 7/10/98 to avoid confusion to the examiner. For this reason, the new substitute specification filed on 4/3/03 will not be entered.

Response to Arguments

2. As for the Applicant's arguments filed on 1/5/2003 regarding the propriety of the examiners referral to enter the substitute specification, the examiner disagrees. It is not the moving of the list of references from the back to the front that is the problem. The problem is the exhaustive list of "related" applications altogether. In the original specification, this long list of cases was, at least, divided into different subject matter headings. Now, with the substitute specification, this is gone - leaving the public with absolutely no guidance as to how each and every cited application is relevant. It should be expressly noted that nothing, in the MPEP that entitles the inventor to such a long list of cross-referenced applicants. 37 CFR 1.78 is no different -it merely states, "Cross-references, ... may be made when appropriate".

In this situation, the examiner has deemed that such a long listing is not appropriate-as it provides no guidance or clarification.

It is immaterial that other examiners have treated this situation differently. Matters such as these are formally within the individual examiner's discretion.

The marked-up version of the substitute specification does not mention the Applicant deletes the original specification from pages 58-64 which divided the related applications into their relevant subject matter. This is created another confusion to the examiner.

Correction is required.

3. Applicant's arguments with respect to claims 1-9 filed on 1/5/2003 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel U.S. Patent 5,668,596 in view of McIntyre et al. U.S. Patent 5,894,326.

Referring to claim 1, the Vogel reference discloses in Figures 3-4, 7 and 8, a method of color correcting a sensed image before printing by a digital camera system includes an image sensor device (20) for sensing an image, a digital processor (12) for processing sensed image,

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and a printer (18 as shown in Figure 8) for printing out sensed image (inherently the printer must have a print head to print image on the printer paper). (See Col. 5, lines 1-45). The digital processor (12) has color correction matrix (40) for color correcting a sensed image to be printed out by printer (18). In order the Vogel's digital camera system (10) to perform the color correction by using the color-correction matrix coefficients, inherently the system must capture first (test) image and using the color chart (72) under the specified illuminant (74) to determine color characteristics of first image as shown in Figure 7 (See Col. 7, lines 28-52). It stores color characteristics of the first image to the matrix coefficient memory (36). Next, the system applies color correction (color correction matrix 40) to second image in rapid succession based on the determined color characteristics (matrix coefficient memory 36) of said first image as shown in Figure 4 (See Col. 6, line 18-46), and prints out the color corrected image (See Col 5, lines 2-10). However, the Vogel reference does not explicitly show the digital camera system is hand held camera system including the printer.

The McIntyre reference disclose in Figures 1-2, an hand held electronic camera including an optical printer (30) being adapted to be optically coupled to the display when in its print position for producing a hard copy output of the subject represented by the display. The McIntyre reference is an evidence that one of ordinary skill in the art at the time to see more advantages for a hand held camera including the printer, so that by making hard copies directly optically from the display which can be moveable from a print position in the camera body from a user viewable position and whole camera system is more portable and compact. For this reason, it would have been obvious to see the digital camera system is hand held camera system including the printer disclosed by Vogel.

Referring to claim 3, the Vogel reference discloses normalization process (78) exams the intensity characteristics of the first image as shown in Figure 7 (See Col 7, lines 45-52).

Referring to claim 4, the Vogel reference discloses color transformation (79) determines a maximum and minimum intensity of first image and utilizes intensities to rescale the intensities of next image as shown in Figure 7 (See Col 7, lines 53-59).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel U.S. Patent 5,668,596 in view of McIntyre et al. U.S. Patent 5,894,326 and Miyagawa et al. U.S. Patent 6,281,533.

Referring to claim 2, the Vogel and McIntyre references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly explicitly state that exactly time for the image sensor to sense a second image from first image.

The Miyagawa et al. reference discloses in Col. 19, lines 61-65, clearly states a high performance compact still digital camera system (Figure 25) that can take a number of pictures successively **within a second**. This means the second image is sensed within 1 second of first image. Col. 19, lines 56-58 sets forth the motivation to keep the image readout rate short within 1 second in the digital camera art for reducing power consumption level and a low voltage level and produce high quality pictures with a good S/N ratio. For that reason, it would have been obvious to see Vogel's camera system has this kind of ability.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Lin Ye
June 12, 2003